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9	TECH, INC.			
10	UNITED STATES DISTRICT COURT  NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION			
11	NORTHERN DISTRICT OF CALIFO	KINIA, SAIN FRANCISCO DIVISION		
12	THEODORE ELLINGTON AND VICTORIA	Case No. 3:18-CV-05352-JST		
13	TRUSTY,	STIPULATION AND <del>[PROPOSED]</del>		
14	Plaintiffs,	ORDER EXTENDING TIME TO RESPOND TO COMPLAINT UNTIL		
15	V.	AFTER RESOLUTION OF REMAND MOTION		
16	TETRA TECH, INC.; TETRA TECH EC, INC.; LENNAR CORPORATION; HPS1			
17	BLOCK 51 LLC; FIVEPOINT HOLDINGS, LLC; BILL DOUGHERTY; NICK ZAFERES;			
18	EMILE HADDAD, and DOES 1-100 Inclusive,			
19	Defendants.			
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<ul><li>24</li><li>25</li></ul>				
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20	- 1	- Case No. 3:18-CV-05352-JST		

STIPULATION & [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO COMPL.

1	STIPULATION
2	Pursuant to Local Rule 6-1, Plaintiffs Theodore Ellington and Victoria Trusty
3	("Plaintiffs") and Defendants Tetra Tech, Inc., Tetra Tech EC, Inc., Lennar Corporation, HPS1
4	Block 51 LLC, FivePoint Holdings, Bill Dougherty, Nick Zaferes, and Emile Haddad
5	("Defendants"), by and through their undersigned counsel, hereby stipulate as follows:
6	WHEREAS, Plaintiffs filed this action in the Superior Court of California, in and for the
7	County of San Francisco on July 24, 2018;
8	WHEREAS, Defendant Tetra Tech EC, Inc. ("Tetra Tech") removed this action to this
9	Court on August 30, 2018;
10	WHEREAS, the parties stipulated and agreed that Defendants shall have to and including
11	October 1, 2018, to respond to the complaint;
12	WHEREAS, Plaintiffs filed a motion to remand this action on September 25, 2018;
13	WHEREAS, the parties agree that this Court's jurisdiction over this action should be
14	resolved before Defendants respond to the complaint;
15	WHEREAS, Plaintiffs filed another action that Tetra Tech removed to the Northern
16	District of California, Pennington, et al. v. Tetra Tech, Inc., et al., Case No. 3:18-cv-05330-JD, in
17	which the parties will submit a similar stipulation and proposed order;
18	WHEREFORE, the parties stipulate and agree that Defendants' time to respond to the
19	complaint is extended until 30 days after the Court denies the motion to remand or, if the motion
20	is granted, 30 days after the original court receives the case on remand pursuant to California
21	Code of Civil Procedure section 430.90.
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23	IT IS SO STIPULATED.
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1	DATED: September 26, 2018 By	r: /s/ Anne Marie Murphy JOSEPH W. COTCHETT
2		ANNE MARIE MURPHY
3		ALISON E. CORDOVA ADAM J. TROTT
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7		Attorneys for THEODORE ELLINGTON and VICTORIA TRUSTY
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9	DATED: September 26, 2018 By	r: /s/ Megan Oliver Thompson MERTON A. HOWARD
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16	DATED: September 26, 2018 By	z: /s/ Matthew Wickersham JEFFREY DINTZER
17		MATTHEW WICKERSHAM ALSTON & BIRD LLP
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20		Attorneys for FIVEPOINT HOLDINGS, LLC and EMILE HADDAD
21		
22	DATED: September 26, 2018 By	r: /s/ Richard M. Steingard RICHARD M. STEINGARD
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25		Attorneys for BILL DOUGHERTY
26		
27		
28		
		- 2 - Case No. 3:18-CV-05352-JST
	STIPULATION & [PROPOSED] ORDER	EXTENDING TIME TO RESPOND TO COMPL.

1	DATED: September 26, 2018  By: /s/ Geoffrey H. Yost		
2	DANIEL M. PETROCELLI (S.B. #97802) dpetrocelli@omm.com		
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15	Facsimile: +1 650 473 2601 Attorneys for LENNAR CORPORATION, HPS1		
16	BLOCK 51 LLC and NICK ZAFERES		
17			
18	Civil Local Rule 5-1(i)(3) Attestation		
19	Pursuant to Civil Local Rule 5-1(i)(3), I, Megan Oliver Thompson, the ECF user whose		
20	user ID and password are being utilized in the electronic filing of the foregoing <b>Stipulation</b>		
21	Extending Time to Respond to Complaint Until After Resolution of Remand Motion, hereby		
22	attest that I obtained concurrence in the filing of the document from each of the other signatories		
23	hereto.		
24			
	Dated: September 26, 2018 By: <u>/s/Megan Oliver Thompson</u>		
25	Megan Oliver Thompson		
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	- 3 - Case No. 3:18-CV-05352-JST		
	STIPULATION & [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO COMPL.		

## **PROPOSED** ORDER therefor The parties having stipulated and good cause appearing therefore, Defendants' responses to Plaintiffs' complaint in this action need not be filed and served until after this Court's ruling on Plaintiffs' motion to remand. In the event the Court denies Plaintiffs' motion to remand and retains jurisdiction of this action, Defendants shall have 30 days after the date of the Court's ruling on the motion to respond to Plaintiffs' complaint. IT IS SO ORDERED. Dated: October 1, 2018 United States District Court Judge